(03) (1)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

CRIMINAL REVISION No. 265 / 2005

APPLICANT:
(IN JAIL)

Faustino Naik (Limo),
S/o Kastantino Naik,
Aged about 17 years,
R/o Village Padampur,
District- Raigarha, Orrisa

Through his brother Sukanto
Lima S/o Kastantino Naik,
Aged about 26 years,
R/o Village Padampur,
District- Raigarha, Orrisa

(2243/05)

filed on 28/6/05
by Shri Sanjeev Sen Advocate

R to D.R. (J)
28/6/05

VERSUS

NON-APPLICANT:

State of Chhattisgarh
Through P.S Railway Police,
Raipur
District- Raipur (C.G.)

RECEIVED-COPY
28.6.05
CLERK to A. G. BILASPUR

REVISION APPLICATION UNDER SECTION 53 OF THE JUVENILE JUSTICE ACT 1986.

(15)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... Cr. Rev. No. 265 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

01/07/2005

Shri O.P.Sahu, counsel for the applicant.

Shri D.K.Gwalre, P.L. for the State.

Heard.

This revision under Section 53 of the Juvenile Justice Act 2000, has been preferred by Juvenile Applicant namely, Faustino Naik (Limo) who has been arrested in connection with Crime No.37/2005 registered in Police Station Railway Police, Raipur for the offence punishable under Section 20 (B) of the NDPS Act. His application for grant of bail under Section 12 of the Juvenile Justice Act was rejected by the Juvenile Justice Board against which the applicant preferred an appeal under Section 52 of the Act and which was also rejected by the impugned order by the learned Sessions Judge, Raipur on the ground that in case the delinquent child is released on bail he may again associate in the trade of narcotics which shall adversely affect the juvenile delinquent morally, physically and psychologically which is against the interest of the juvenile delinquent.

The facts of the case is that 4 kgs. of cannabis were recovered from the possession of the present applicant by the police on 05/03/2005 and on the basis of the recovery, the aforesaid crime was registered against him. Charge sheet has been filed and the applicant is facing trial under Section 20 (B) of the NDPS Act. Under the Juvenile Justice Act, the application for grant of bail was filed by the applicant which was rejected and presently he is detained in the remand home meant for juveniles. The appeal preferred before learned Sessions Judge, Raipur which was also rejected vide impugned order dated 24/05/2005.

Learned counsel for the applicant submits that the Courts below ought to have released the applicant on bail as per Section 12 of the Act as he is in custody since last four months and there was no material on record to show that after release the applicant may come in association with the persons involved in

SP/FS/2005 - 20,000

(16)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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the trade of narcotics. Even then only on the basis of assumption the bail application of the applicant has been rejected.

On the other hand learned counsel for the State submits that the order passed by both the Courts below could not be faulted in as much as the above order has been passed to protect the interest of the delinquent juvenile and in the interest of justice as the applicant has been arrested at such a tender age while he was in possession of 4 kgs of cannabis and the possibility of his coming in association with criminal elements can not be ruled out.

I have heard learned counsel for the parties.

I have gone through the impugned order passed by the Sessions Judge, Raipur. Taking into consideration the fact that the possibility of the applicant to join the trade of narcotics if he be released on bail and that already 7kgs. of cannabis were recovered from him as per allegations in the charge sheet and the findings of the Courts below that he may come in further association with such elements is not confounded I do not find any illegality in the order passed by the Sessions Judge, Raipur which needs any interference by this Court under revisional jurisdiction and accordingly the revision is dismissed.

Sd/-
DHIRENDRA MISHRA
Judge